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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 NGHIA V. NGUYEN,

9 Petitioner,

10 v.

11 WASHINGTON STATE,

12 Respondent.

CASE NO. C19-cv-1054 RAJ

**ORDER DISMISSING FEDERAL
HABEAS ACTION**

13 The Court has reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and
14 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge,
15 Petitioner's objection to the Report and Recommendation, and the remaining record. The Court
16 concurs fully in the recommendations of the Report and Recommendation.

17 Petitioner's objection is largely a recitation of the same arguments that were considered
18 and rejected by Judge Tsuchida in his well-reasoned R&R. Petitioner admits that he has not
19 exhausted his state remedies but argues that his petition is an "exception" because his
20 constitutional rights are being violated. Dkt. # 8 at 3-5. This argument is without merit. As
21 noted in Judge Tsuchida's R&R, "a state prisoner's federal habeas petition should be dismissed if
22 the prisoner has not exhausted available state remedies as to any of his federal claims." *Coleman*
23 *v. Thompson*, 501 U.S. 722, 731 (1991). "This exhaustion requirement is also grounded in
principles of comity; in a federal system, the States should have the first opportunity to address
and correct alleged violations of state prisoner's federal rights." *Id.* Because Petitioner has failed
to exhaust his state court remedies, the Court lacks jurisdiction to review his federal habeas

1 claims and the petition must be dismissed.

2 Accordingly, the Court adopts the Report and Recommendation (Dkt. # 7), **DENIES**
3 Petitioner's objection (Dkt. # 8), **DISMISSES** this habeas petition without prejudice, and
4 **DECLINES** to issue a certificate of appealability. The clerk shall enter judgment for
5 Respondent and ensure that Judge Tsuchida receives notice of this order.

6 DATED this 6th day of November, 2019.

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9 The Honorable Richard A. Jones
10 United States District Judge
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